

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 28, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building on Thursday, September 28, 1939, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, O. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The reading of the Minutes was dispensed with.

The application of Mrs. Rebecca A. Hearn for a change in the zoning of the property located at 1816 San Jacinto Street, being a part of the east one-half of Block 51, Division "E", and extending twenty-five feet along the west side of San Jacinto Street to a depth of sixty feet, from "C" Commercial to "C-2" Commercial, was received. The matter was referred to the Zoning Board of Adjustment for consideration and recommendation, and a public hearing was called for Thursday, October 19, at 11:00 A.M.

Mr. John Carleston, 4009 Avenue B, appeared before the Council and registered his approval of the substitution of busses for street cars in Hyde Park under the terms of the renewal franchise of the Austin Street Railway Company now pending.

Mr. Will Gardner appeared before the Council to find out whether the electric customers in the ten-mile area recently acquired by the City from the Lower Colorado River Authority would be paid rent on their service deposits as heretofore. He was advised that no change in policy would be made pending final transfer of accounts to the City's books.

The application of Mrs. Jessie Patton Brooks and H. O. Brooks for a change in zoning of Lots 1, 2, and 3, Block 1, Austin Heights, known as 2601 Manor Road; and Lots 75, 76, 77, 78, and 79, Outlot 48, Division "B", Isherwood Heights, known as the 2500 block on Manor Road, from "A" Residence District to "C" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing was called for Thursday, October 19, at 11:00 A.M.

The application of R. Filand for a change in zoning of Lot 7, Block 2, Monroe Heights Addition, located at the northwest corner of Monroe and South Third Streets, from "A" Residence District to "C" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing was called for Thursday, October 19, at 11:00 A. M.

Councilman Alford introduced the following resolution and moved its adoption. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared the resolution finally passed.

The resolution is as follows:

WHEREAS, in accordance with the requirements of the Federal Emergency Administration of Public Works and the provisions of the City Charter of the City of Austin, Texas, and of the State statutes, an award was made Will O'Connell, Contractor, for the general construction work for the Austin-Travis County Sanatorium under FWA Docket No. Tex.2070-F, Sanatorium, and a contract was duly executed and approved by the Public Works Administration; and

WHEREAS, the work included under this contract is now substantially complete and generally ready for full and unconditional acceptance; and

WHEREAS, certain moneys have been retained during the period of construction which are due and payable to the contractor at this time of substantial completion and acceptance; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AND THE COMMISSIONERS COURT OF THE COUNTY OF TRAVIS:

THAT the building be declared substantially complete and that it be accepted, except for minor adjustments and cleaning up that still remain to be completed; and

THAT Two Hundred Fifty Dollars (\$250.00) be retained as a fund to guarantee the completion of these final adjustments and this cleaning up; and

THAT Cuiton Morgan, City Manager of Austin, Texas, be directed and ordered to pay, except the amount mentioned, balance due Will O'Connell under the contract first mentioned, together with change orders which may have been issued and approved during the period of construction, the total amount of which payment shall be as shown on the final estimate for payment and as has been submitted and approved by David C. Baer, Architect, and by the PWA; and

THAT at such time as necessary cleaning and adjustments have been made that the balance withheld shall be paid.

Councilman Alford introduced the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its

pole lines in the following streets:

A telephone pole line in Dwyer Avenue from Garner Avenue to Kinney Avenue, the centerline of which pole line shall be 9 feet north of and parallel to the south property line of said Dwyer Avenue.

THAT the work and construction of said pole line, including the excavation of the streets and the restoration and maintenance of said street after said pole line has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in BENNETT AVENUE from East 51st Street to East 54th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Bennett Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(2) A gas main in EAST 53 $\frac{1}{2}$ STREET from Bennett Avenue easterly 65 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 53 $\frac{1}{2}$ Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(3) A gas main in EAST 54TH STREET from Bennett Avenue easterly 65 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 54th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(4) A gas main in SAN GABRIEL STREET from West 32nd Street southerly 158 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said San Gabriel Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(5) A gas main in CASWELL AVENUE across East 49th Street intersection, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Caswell Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EAST 49TH STREET from Red River Street west two blocks, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 49th Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Wolf that Mrs. Floree Haire, 209 East 13th Street, be granted a taxi-cab license, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

It was moved by Councilman Alford that Henry Clay Nations, 2502 Capitol Avenue, be granted a taxi-cab driver's permit, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Texas 1847-2-F-, being the project for the construction of Water Works Improvements, have reported that the contract for the construction of Water Lines for the City of Austin has been completed by Brown & Root, Inc., General Contractors, in accordance with the rules and regulations of the Administration of Public Works and in a manner acceptable to the P.W.A. Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, on June 8, 1939, the City Council passed a resolution conditionally accepting all work under this contract on condition that \$400 be withheld to cover the cost of any necessary repairs to make 1933' of 24" cast iron pipe meet the leakage specifications; and

WHEREAS, the final leakage tests show that the 1933' of 24" cast iron pipe now meet the leakage test specifications as revised; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder is hereby accepted as completed and the City Manager be and he is hereby authorized and directed to approve the final estimate and to issue a final warrant covering payment of \$400 now held in trust in favor of Brown & Root, Inc., and that he be further authorized and directed to release the contractor from any further liability in connection with said work and to authorize cancellation of the bonds guaranteeing the successful completion of the contract.

(Report of Supervising Engineer attached)

"Austin, Texas
September 26, 1939

Docket Texas 1847-2-F-2
Water Line Extensions
Austin, Texas

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

Attached hereto is a copy of a resolution finally accepting the Water Line contract of Brown & Root, Inc., which will supersede the resolution passed on June 8, 1939, in which \$400 was withheld pending the completion of leakage tests on the line. Final tests on the line show that the pipe comes well within the leakage specifications as revised under change order No. 32-A-2-8, which change order was approved on September 8, 1939, by P.W.A.

I recommend that the work be finally accepted in accordance with this resolution and that the \$400 now being held in trust be paid Brown & Root, Inc.

Respectfully submitted

(Signed) G. S. Moore
Supervising Engineer. "

Councilman Alford introduced the following resolution:

WHEREAS, Mrs. Frances E. Kelly and Laura E. Brennan are the only heirs of Kate J. Edwards, deceased, who was the owner of Cemetery Lot No. 495, in Oakwood Cemetery; and

WHEREAS, said Mrs. Frances E. Kelly and Laura E. Brennan desire to sell to David J. Pickle, of Austin, Texas, the north one-half of said cemetery lot; and

WHEREAS, said Mrs. Frances E. Kelly and Laura E. Brennan have shown satisfactory evidence of their ownership of said cemetery lot; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said change in ownership of said cemetery lot is hereby approved and the City Manager is hereby instructed to have the records of the City changed accordingly.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution and moved its adoption. The motion was

seconded by Councilman Bartholomew, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the City Council has been furnished with copy of letter from Giesecke & Harris, Supervising Architect, dated September 19, 1939, recommending final acceptance of the work on the ROBERT E. LEE SCHOOL AND BOILER HOUSE, as follows:

Contract No. 7 - WOOD & SCURLOCK - General Construction;
Contracts Nos. 15 and 16 - JOHN L. MARTIN, respectively for Plumbing and Heating Work;

and has been furnished copy of letter dated September 19, 1939, from Giesecke & Harris, Supervising Architect, recommending acceptance of the following work on the BRYKER WOODS and ROSEDALE SCHOOLS;

Contract No. 24 - W. H. MACLAY, General Construction;
Contract No. 28 - J. O. ANDREWARTHA, Plumbing and Electric Work;
Contract No. 29 - YOUNG & PRATT, Heating Work;

and has likewise been furnished copy of letter dated September 19, from said Supervising Architects, recommending acceptance of the following work on the ADDITION TO THE ZAVALA SCHOOL;

Contract No. 42 - REX D. KITCHENS CONSTRUCTION COMPANY - General Construction;

and,

WHEREAS, the City Council is also in receipt of resolution (a copy of which is attached hereto and made a part hereof) adopted by the Board of Trustees of the Austin Independent School District on September, 1939, recommending final acceptance of the contracts listed above, and waiving liquidated damages, all of said contracts being under FWA Docket TEX-2134-F; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT final acceptance be and the same is hereby made of Contracts Nos. 7, 15, 16, 24, 28, 29, and 42, subject to approval of the Regional Office of the Public Works Administration, and the City Manager is hereby authorized and instructed to sign any and all necessary documents in connection with said final acceptance.

(Resolution of School Board attached)

WHEREAS, the office of the Supervising Architect, under date of September 19, 1939, has reported final completion and recommended acceptance of the following contracts under FWA Docket TEX-2134-F:

Contract No. 42 - Rex D. Kitchens Construction Company - Gen'l Const.-Add'n to
 Zavala School;
 Contract No. 7 - Wood & Scurlock, General Construction; Robert E. Lee School & Boiler
 House;
 Contract No. 15 -
 and 16 - John L. Martin, respectively for Plumbing and Heating, Robert E. Lee
 School and Boiler House;
 Contract No. 24 - W. H. MacLay, General Construction, Rosedale School;
 Contract No. 28 - J. O. Andrewartha, respectively for Plumbing & Electric Work,
 Rosedale School;
 Contract No. 29 - Young & Pratt, Heating Work, Rosedale School;
 (those portions of Contracts Nos. 24, 28 and 29 applying to the Bryker Woods
 School having previously been accepted)

and,

WHEREAS, the Chairman of the Building Committee reports that final inspection has been made of the work under the above-listed contracts, and that said inspections showed that same had been satisfactorily completed; and

WHEREAS, there has been an overrun of contract construction time in certain contracts, as listed below, said overrun having been occasioned by delays due to bad weather, delay in receipt of materials, and other delays not due to the fault or neglect of the various contractors; and

WHEREAS, the failure to complete said contracts within the specified contract time has neither inconvenienced nor caused damage to the Owner; now, therefore,

BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that the following contracts be extended as listed below, which in each case extends the time to the date said contract was reported by the Resident Engineer Inspector of Public Works Administration as being "substantially complete";

Contract No. 42 - Rex D. Kitchens Construction Co., 8/29/39 to 9/15/39 -18 cal. days;
 Contract No. 7 - Wood & Scurlock - from July 29 to August 26, 1939, an extension of
 28 calendar days;
 Contract No. 16 - John L. Martin - from September 5 to September 14, 1939, an extension of 9 calendar days. (Substantial completion reported on September 14, 1939. Contract calls for completion within 10 calendar days after completion of General Contract, which would have been September 5, 1939, since General Contract No. has been extended to August 26, 1939.)
 Contract No. 15 - John L. Martin - No extension required since "substantial completion" reported as of September 5, 1939, which is within 10 calendar days after extended completion date on Contract No. 7;
 Contract No. 24 - W. H. MacLay - from August 12, 1939, to September 8, 1939, (Contracts Nos. 28 and 29 were reported "substantially complete" on September 12, 1939, therefore were completed within 10 days from extended completion date of General Contract No. 24 and need no contract extension time).

and.

Be it Further Resolved that said Board does recommend to the City Council, acting for the Austin Independent School District, the final acceptance of the following contracts:

Contract No. 42 - Rex D. Kitchens Const. Co., - Gen'l Const. Add'n to Zavala School ;

Contract No. 7 - General Construction, Robert E. Lee School & Boiler House, Wood & Scurlock, Contractors;

Contracts Nos. 15

and 16 -

Plumbing and Heating, respectively, Robert E. Lee School & Boiler House, Jno. L. Martin, Contractor;

Contract No. 24 - W. H. MacLay, General Construction, Rosedale School;

Contract No. 28 - J. O. Andrewartha Plumbing & Electric Work, respectively, Rosedale School;

Contract No. 29 - Young & Pratt, Heating Work, Rosedale School.

(Contracts Nos. 24, 28 and 29 being accepted in full, as applying to the Bryker Woods School, as well as to the Rosedale School)

I hereby certify that the foregoing resolution was unanimously adopted at the Special Meeting of the Board of Directors of the Austin Independent School District, held September 22, 1939, at which the following were present:

(Signed) Cousins Gregg
Secretary to the Superintendent of Public Schools,
Austin, Texas.

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
September 22, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Dear Mr. Murchison:

Re: Docket TEX-2134-F
Schools - Austin, Texas
Contract No. 42

It is our pleasure to report that preliminary inspection was made of the Zavala School, separately by Mr. Iglehart, the FWA Inspector, and the writer, and that approximately a week later, on the afternoon of Friday, September 15, 1939, final inspection was made by a group composed of Mr. L. H. Blendemann, Chairman, and Mrs. Hal P. Bybee, member of the School Board's Building Committee, Mr. H. B. Iglehart, the Owner's Supervising Engineer, Mr. T. N. Porter, Assistant to the Superintendent of Public Schools, by Mr. Richard Schmidt, representing the Contractor, Messrs. J. V. Curnutte, Lamont Andrews and L. G. Hogle, all of the Public Works Administration, and by B. E. Giesecke, of the Supervising Architect's Office.

This inspection indicated that the work under Contract No. 42, Rex D. Kitchens Construction Company, for the General Construction, had been satisfactorily completed, according to the plans, but that the work under the three mechanical contracts had not yet been completed.

We therefore recommend final acceptance of the work under Contract No. 42, and will advise you as soon as the work under the three mechanical contracts has been completed.

Yours very truly,

GIESECKE & HARRIS
Supervising Architects

By Bertram E. Giesecke. "

"Austin, Texas
September 19, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Ind. School District
Austin, Texas

Dear Mr. Murchison:

Re : Docket TEX-2134-F
Schools - Austin, Texas
Contracts Nos. 7, 15 and 16.

It is our pleasure to report that preliminary inspection was made on August 26 of the work under the three above-listed contracts, and of Contract No. 17, said inspection having been made by Mr. H. B. Iglehart, Owner's Supervising Engineer, Mr. T. N. Porter, Assistant to the Superintendent of Schools, Mr. Roy L. Thomas, Associate Architect, Mr. Lamont Andrews, representing the Public Works Administration, Mr. Ollie Moore, representing the Contractor, and B. E. Giesecke, representing the Supervising Architect's office.

We further wish to report that on the afternoon of Friday, September 15, final inspection was made by the group listed above, accompanied by Mr. L. H. Blendemann, Chairman, and Mrs. Hal P. Bybee, member of the School Board Building Committee, at which inspection it was found that the work included under

Contracts Nos. 7, 15, and 16 had been satisfactorily completed, but that the work under Contract No. 17 had not yet been completed.

We therefore recommend that final acceptance be made of Contract No. 7, Wood & Scurlock, General Construction; Contracts Nos. 15 and 16, respectively for the Plumbing and Heating, both by John L. Martin.

Yours very truly,

GIESECKE & HARRIS
Supervising Architects

By (Signed) B. E. Giesecke

P. S. - According to the records of PWA "substantial completion" on each of these contracts was reported as follows: Contract No. 7, August 26, 1939; Contract No. 16, September 14, 1939. (Contract No. 17 has not yet been reported)

"Austin, Texas
September 19, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Ind. School District
101 East 9th Street
Austin, Texas

Dear Mr. Murchison:

Re: Docket TEX-2134-F
Contracts Nos. 24, 28 and 29
ROSEDALE SCHOOL

It is my pleasure to advise that on September 8, a preliminary inspection was made of that portion of the work of the three contracts listed above, pertaining to the Rosedale School, said inspection having been made by Mr. H. B. Iglehart, Owner's Supervising Engineer, Mr. T. N. Porter, Assistant to the Superintendent of Public Schools, Mr. Lamont Andrews and Mr. J. V. Curmutte, representing the Public Works Administration, Mr. Bauhauf, representing Mr. H. F. Kuehne, Associate Architect, and by B. E. Giesecke, representing the Supervising Architect's office.

We report further that on Friday afternoon, September 15, 1939, the final inspection was made of the Rosedale School by the group listed above, accompanied by Mr. L. H. Blendermann, Chairman, and Mrs. Hal P. Bybee, member of the School Board Building Committee, and Mr. Bernstein, a representative of the contractor.

We found that the work included under these three contracts had been satisfactorily completed, and we now recommend to the Board that final acceptance of these contracts be made by the Board of Trustees, and recommended to the City Council.

Yours very truly,

GIESECKE & HARRIS
Supervising Architects. "

By Bertram E. Giesecke.

P.S. According to the records of the PWA, "substantial completion" on each of these contracts was afforded on the following dates: Contract No. 24, September 8, 1939; Contracts Nos. 28 and 29, September 12, 1939.

Councilman Bartholomew introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under PWA Docket TEX-2134-F:

Of Contract No. 75, being that of the American Type Founders Sales Corp'n, for Item 13, Group "I", of the specification, one PRINTING PRESS ;

and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under this contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the furnishings and equipment embodied under Contract No. 75, PWA Docket

TEX-2134-F, being that of the American Type Founder Sales Corporation for one PRINTING PRESS, for the Austin High School, being Item 13, Group I of the Specification, is imminent; and

WHEREAS, it is further understood that this final inspection will be accomplished by representatives of the Public Works Administration, of the Board of Trustees, and of the Supervising Architect's Office, who will in concurrence recommend upon the performance of the said contract; and

WHEREAS, the Supervising Architect will then set forth in his letter of recommendation upon this contract the fact of this final inspection, together with his recommendation of final acceptance of the work involved; now, therefore,

BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that upon receipt of the letter of recommendation of the Supervising Architect, setting forth the facts of final inspection and toward the final acceptance of this contract, which letter of recommendation is attached hereto and becomes a part hereof, final acceptance be and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the Special Meeting of the Board of Trustees of the Austin Independent School District, held on September 22, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the
Superintendent of
Public Schools,
Austin, Texas .

(SEAL)

(Recommendation of Supervising Architects)

"Austin, Texas
September 25, 1939

Mr. E. A. Murchison, President
Austin Ind. School District
Austin, Texas

Dear Mr. Murchison:

Re: Docket TEX-2134-F - SCHOOLS - Austin, Texas
FURNITURE AND EQUIPMENT
Recommendation of Final Acceptance
Contract No. 75.

On or before September 23, 1939, the furnishings and equipment embodied under the above-numbered contract, and being that of the American Type Founder Sales Corp'n, one PRINTING PRESS, for Austin High School, Item 13, Group "I", have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of P.W.A., and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said contract, and recommend payment of the contract price in accordance with the statement rendered, as approved by the Office of the Supervising Architect and of PWA.

Yours very truly,

GIESSEN & HARRIS

By(Signed) A. W. Harris. "

Councilman Bartholomew introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under PWA Docket TEX-2134-F;

Of Contract No. 72, being that of W. H. Richardson & Company for 29 Household Type, Gas-Fired Ranges, being Item 10, Group I, for various schools;

and

WHEREAS, there is attached to this resolution and made a part hereof a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under this contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 72, PWA Docket Tex-2134-F, being that of W. H. Richardson & Company for GAS FIRED RANGES, Household Type, for various School Buildings, is imminent; and

WHEREAS, it is further understood that this final inspection will be accomplished by representatives of the Public Works Administration, of the Board of Trustees, and of the Supervising Architect, who will in concurrence recommend upon the performance of the said contract; and

WHEREAS, the Supervising Architect will then set forth in his letter of recommendation upon this contract the fact of this final inspection, together with his recommendation of final acceptance of the work involved; now, therefore,

Be It Resolved by the Board of Trustees of the Austin Independent School District that upon receipt of the letter of recommendation of the Supervising Architect, setting forth the facts of final inspection and toward the final acceptance of this contract, which letter of recommendation is attached hereto and becomes a part hereof, final acceptance be and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the Special Meeting of the Board of Trustees of the Austin Independent School District, held on September 22, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the
Superintendent of
Public Schools,
Austin, Texas

(Seal)

(Recommendation of Supervising Architects)

"Austin, Texas
September 25, 1939

Mr. E. A. Murchison, President
Austin Independent School District
Austin, Texas

Dear Mr. Murchison:

Re: Docket TEX-2134-F - SCHOOLS - AUSTIN, TEXAS
FURNITURE AND EQUIPMENT
Recommendation of Final Acceptance
Contract No. 72

On or before September 25, 1939, the furnishings and equipment embodied under the above-numbered contract, and being that of W. H. Richardson & Company for 29 Household Type, Gas-fired Ranges, being Item 10, Group I, for various Schools, have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of P.W.A., and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said contract, and recommend payment of the contract price in accordance with the statement rendered, as approved by the Office of the Supervising Architect and of PWA.

Yours very truly,

GIESECKE & HARRIS

By A. W. Harris. "

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor declared that the ordinance had been finally passed.

Councilman Gillis introduced the following resolution:

WHEREAS, there was assessed for City of Austin taxes against the International Reinsurance Corporation certain securities deposited with the State Treasurer of Texas for the year 1933 of the assessed value of \$33,335.00; and

WHEREAS, said International Reinsurance Corporation went into the hands of Receivers in the State of Delaware, and Ancillary Receivers appointed on the 8th day of December, 1933, the Ancillary Receiver for the State of Texas being Chas. C. Huff, Esq., of Dallas, Texas; and

WHEREAS, the Attorney General of the State of Texas filed suit against said Corporation in the District Court of Dallas County, Texas, 95th Judicial District, in which suit the City of Austin intervened and set up its claim for taxes in the sum of \$750.00, the amount of the assessment on the aforesaid property of said corporation on deposit in the office of the State Treasurer of Texas; and

WHEREAS, by reason of the many complications in said case, and the Ancillary Receiverships against said corporation existing in about twenty-five states, it has been impossible to enforce collection of said taxes up to this time; and

WHEREAS, said intervention by the City of Austin was set down for a hearing on or about the 12th day of September, 1939, in the District Court of Dallas County, Texas, but owing to the uncertainty of the result of said suit, and owing to the fact that the funds in the hands of said Ancillary Receiver were insufficient to take care of the claims in full, and furthermore, the claim of the City of Austin was being contested; and

WHEREAS, a proposition was made by the attorneys for said Receiver to pay \$200.00 in settlement of said claim of the City of Austin for taxes, which offer of compromise under all the circumstances of the case, the City Manager advised and authorized acceptance, subject to the action of the court thereon; and

WHEREAS, said agreement to pay \$200.00 in full of the City of Austin's claim for taxes has been ratified in full by the court, and the Receiver's checks totaling \$200.00 have been received; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the agreement of the City Manager to take \$200.00 in full satisfaction and settlement of said taxes be authorized and approved and that the City Tax Assessor and Collector be authorized and directed to accept said sum of \$200.00 in full settlement and satisfaction of the aforesaid taxes assessed against said International Reinsurance Corporation for the year 1933, and that said sum of \$200.00 having been paid, said City Tax Assessor and Collector is authorized and directed to issue his receipt in full to said International Reinsurance Corporation for the aforesaid taxes.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, City of Austin taxes have been assessed in the name of Mrs. M. E. Scrivener for the years 1897 through 1938, inclusive, on Lot 7, Block B, South Heights Addition in the City of Austin, Travis County, Texas, said taxes being for the sum of \$61.74; and for non-payment of same at maturity penalty in the sum of \$3.08 has been assessed, and interest in the sum of \$58.80, making the total amount of taxes, penalty and interest \$123.62; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$3.08 and one-half of the interest in the sum of \$29.40; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty, in the sum of \$3.08, and one-half of the interest, in the sum of \$29.40, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$3.08 and one-half of the interest in the sum of \$29.40 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of said taxes and one-half of the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved: Tom Miller

Mayor

Attest:

Helene M. Liles
City Clerk.